

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

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In the Matter of the Petition	)
of Intrado Communications of Virginia Inc. for Arbitration	)
Pursuant to Section 252(b) of the Communications Act	)
of 1934, as amended, to Establish an Interconnection	)
Agreement with Central Telephone Company of Virginia	)
and United Telephone - Southeast, Inc.	)
(collectively, "Embarq")	)
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	)
	)

WC Docket No. 08-33

In the Matter of the Petition of	)	
Intrado Communications of Virginia Inc. for Arbitration	)	
Pursuant to Section 252(b) of the Communications Act	)	WC Docket No. 08-185
of 1934, as amended, to Establish an Interconnection	)	
Agreement with Verizon South Inc. and Verizon Virginia	)	
Inc. (collectively, "Verizon")	)	
	)	

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**COMMENTS OF THE MICHIGAN INTERNET & TELECOMMUNICATIONS**  
**ALLIANCE AND TELNET WORLDWIDE, INC.**

Submitted by:  
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July 6, 2009

The Michigan Internet & Telecommunications Alliance (MITA) is a Michigan association consisting of Internet Service Providers (ISPs) and Competitive Local Exchange Carriers (CLEC's), including TelNet Worldwide, Inc. (TelNet). MITA and TelNet respectfully submit these comments in response to the Wireline Competition Bureau's requests for Comments in this proceeding. MITA and TelNet applaud the Commission's effort to obtain comments regarding the issue of competition in the provision of the 911 network to Public Safety Answering Points (PSAPs). We believe this consolidated proceeding represents a significant opportunity for the Commission to support a framework that will advance innovation in the nation's public safety industry.

MITA and TelNet state unequivocally that there is a lack of competition in the E911 market. In Michigan, AT&T is the largest incumbent and is approximately four to five times the size of Verizon, depending on manner of measurement. In contrast to AT&T Michigan, Verizon Michigan serves the more sparsely populated areas of the state.

For whatever reason, Verizon have not sought to actively prevent CLECs in Michigan from implementing competitive 911 solutions. However, in Michigan, AT&T has taken the type of positions that Verizon is that have thwarted CLEC efforts to obtain and offer competitive 911 services to its customers. AT&T's actions have limited competition and created technical and financial bottlenecks to hinder numerous aspects of competitive 911 service. Such actions are contrary to the spirit of Congress as embraced by 911 legislation of the past decade.<sup>1</sup>

Less than one year ago, Congress passed The New and Emerging Technologies 911 Improvement Act and stated forth its purpose;

to promote and enhance the public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

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<sup>1</sup>The Wireless Communications and Public Safety Act of 1999 (P.L. 106-81), the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (P.L. 108-494), and The New and Emerging Technologies 911 Improvement Act of 2008 (P.L. 110-283).

By allowing public comment in this proceeding the Commission has evidenced its commitment to not waste any time in moving our nation as quickly as possible to an advanced emergency network as Congress has intended.

As Congress recognized, an advanced emergency communications network must encompass and incorporate the latest advances in network technology, specifically an IP-enabled network which utilizes Voice Over Internet Protocol (VoIP). Competitive Local Exchange Carriers like those members of the Michigan Internet & Telecommunications Alliance have been on the cutting edge of these advancements in utilizing VoIP technology. However, incorporating this advanced network technology has been thwarted by incumbents that seek to protect their monopoly positions by exploiting their control over the emergency telecommunications network. Over the years, ILECs have evolved as the incumbent provider of 911 and E911 services. Their long term arrangements with local public safety agencies are protected by one-sided contracts, several layers of government bureaucracies and arcane proprietary technologies. For these reasons, it is unlikely that a competition will develop in this market without FCC action.

As an example, in 2007, TelNet entered into an agreement with a competitive provider of E911 service and facilities and purchased such service for over a year. However, the incumbent refused to process TelNet's disconnection orders and continued to charge TelNet for such no longer needed service. When TelNet balked at paying, the incumbent ultimately threatened TelNet with disconnection of TelNet's interconnection trunks, an action, which would have put TelNet out of business. The incumbent took the position that TelNet had to maintain dedicated trunks to each selective router and that 911 traffic from no CLEC other than TelNet could be combined and transported on such trunks. Such position maximized the incumbent's revenue at the expense of each CLEC in the state and prevented the development of a more robust and flexible wireline E911 to protect the public. Such monopolistic tactics are unfortunately still commonplace. The

overwhelming economic power of the incumbent and its systemic “go ahead and sue me” attitude requires the FCC to establish a competitive, state-of-the-art emergency telecommunications network that incorporates and takes advantage of IP- enabled robust capabilities.

Innovative 911 networks will provide public safety agencies with the services and applications to manage more accurate and specific information at greater speed and increased efficiency. The existing 911 system is built on an infrastructure of outdated analog technology that does not support present day communications. For example, text messaging is a standard form of communication among an ever increasing segment of the nation’s population. But the 911 system cannot currently be accessed with a text message. An IP-enabled emergency system would correct this deficiency.

In addition, an IP-enabled emergency system would permit multiple emergency calls or texts to be sent out simultaneously. For example, in an IP-enabled 911 environment, if a babysitter calls 911, an alert could be simultaneously sent to the parents wherever they may be.

The FCC should act quickly to remove any existing barrier to competitive entry into the 911 marketplace. The nation and its public safety officials deserve nothing less.

For these reasons, the Michigan Internet & Telecommunications Alliance fully supports Intrado in its petition to open up the 911 market to robust competition.

Respectfully submitted,

**Michigan Internet & Telecommunications  
Alliance and TelNet Worldwide, Inc.**

Dated: July 6, 2009

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<sup>2</sup>John R. Liskey is a former Assistant Attorney General for the State of Michigan, a former President of an ISP and a former VP of Government Affairs for AT&T Broadband. Mr. Liskey was inducted into the Cable TV Pioneers Society for his efforts in deploying the first high-speed cable modem in 1992 as the general manager of the cable system in East Lansing, Michigan. He is currently a director of the Michigan Internet & Telecommunications Alliance.

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### Proof of Service

John R. Liskey, employed with Field Law Group, PLLC, being duly sworn, affirms that on the 6<sup>th</sup> day of July, 2009, he served a copy of *the Comments of the Michigan Internet & Telecommunications Alliance and TelNet Worldwide, Inc.* upon the parties listed below at their respective addresses by e-mail:

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John R. Liskey

Subscribed and sworn to before me on July 6, 2009:

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Tina A. Barlow  
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My Commission Expires: September 9, 2014